

RESOLUTIONS

OF THE

LEGISLATURE OF THE STATE OF NEW YORK,

ACCOMPANIED BY

A memorial of the Canal Board and Canal Commissioners of that State requesting the payment of moneys advanced for the breakwater at Buffalo, and praying the improvement of the lake harbors.

FEBRUARY 3, 1859.—Ordered to lie on the table and be printed.

STATE OF NEW YORK.

Resolved, (if the assembly concur,) That the legislature of New York fully approve the memorial presented to the Congress of the United States by the canal board requesting payment of the moneys advanced from the canal revenues of the State for the construction of the breakwater in the harbor of Buffalo, and the memorial of the canal commissioners petitioning the general government to enlarge, improve, and protect all the harbors on the chain of lakes serving as ports of shipment for property destined for the canals of this State.

Resolved, That the governor be respectfully requested to transmit copies of said memorial and the preceding resolution to the senators and representatives in Congress from this State, with the request of the legislature that they will advocate the passage of the laws necessary to secure the objects sought by said memorial, and also to transmit copies thereof, and of these resolutions, to the governors of the States adjacent to the lakes or interested in their commerce and navigation.

STATE OF NEW YORK,
In Senate, January 21, 1859.

The foregoing resolutions were duly passed.

By order.

S. P. ALLEN, *Clerk.*

STATE OF NEW YORK,
In Assembly, January 26, 1859.

The foregoing resolutions were duly passed.

By order.

WM. RICHARDSON, *Clerk.*

STATE OF NEW YORK, EXECUTIVE DEPARTMENT,
Albany, January 31, 1859.

SIR: I transmit, herewith enclosed, a copy of certain concurrent resolutions of the senate and assembly of the State of New York.

I have the honor to be your obedient servant,

E. D. MORGAN.

The Hon. WILLIAM H. SEWARD.

Memorial of the Canal Board and Canal Commissioners of the State of New York, to the Congress of the United States, asking for the improvement of the lake harbors.

At a meeting of the canal board of the State of New York, at the State Hall in Albany, December 31, 1858—

Present: Hon. HENRY R. SELDEN, *lieutenant governor, and president of the senate*; Hon. SAMUEL B. RUGGLES and Hon. CHARLES H. SHERRILL, *canal commissioners*; Hon. SANFORD E. CHURCH, *comptroller*; Hon. LYMAN TREMAIN, *attorney general*; Hon. GIDEON J. TUCKER, *secretary of State*; Hon. ISAAC V. VANDERPOEL, *treasurer*; Hon. VAN R. RICHMOND, *State engineer and surveyor*—

The following resolution was unanimously adopted:

Resolved, That the memorial to the Congress of the United States, asking an appropriation to pay the expenses incurred by the State in erecting breakwaters and piers at the harbors of Buffalo and Oswego, signed by the members of the canal board, be transmitted by the canal commissioners to the Hon. John Cochrane, chairman of the Committee on Commerce of the House of Representatives, and to the senators representing this State in the Senate of the United States, with the request that they will present the same to those houses respectively, and that they will advocate the passage of a law in accordance with the prayer of said memorial.

A true copy from the minutes of the canal board.

N. S. BENTON, *Auditor*.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The canal board of the State of New York, by this their memorial, respectfully represent:

That they are intrusted by the constitution and laws of the State of New York with the management and care of its canals, so far as

to prescribe their plan and dimensions, to fix their rates of toll, and to exercise a general supervision over their means and sources of revenue. The canal commissioners of the State constitute a portion of the board, and superintend the construction and navigation of the canals.

Under the direction of the board, and that of the canal commissioners, the Erie canal, three hundred and fifty-two miles long, connecting the Atlantic ocean, through the Hudson river, with Lake Erie at Buffalo, and the Oswego canal, thirty-eight miles long, connecting the Erie canal at Syracuse with Lake Ontario at Oswego, have been enlarged through nearly all their length, from their original dimensions of forty feet wide and four feet deep, to seventy feet wide and seven feet deep. Both of the works are now on the eve of completion, and are expected to be finished within the coming year.

The government of the United States, in the exercise of its constitutional power and the discharge of its proper duty, in respect to the natural, navigable waters of the Union, have erected in the harbor of Buffalo, at the termination of the Erie canal, a pier extending several hundred feet into Lake Erie, and also a pier in the harbor of Oswego, at the termination of the Oswego canal, extending several hundred feet into Lake Ontario.

These works were commenced under appropriations by Congress in 1826 and 1827, and were continued, under further appropriations, until 1853.

The pier at Buffalo was erected as a site for a light-house, and for the protection, so far as it might suffice, of the national commerce at that port.

The latter object has been partially attained, but the erection of the pier unexpectedly gave a new direction to the waters of the lake, and caused them to wear away the land through which the Erie canal was excavated, and to threaten the destruction not only of the valuable slips and outlets connecting the canal with the lake, but of the main channel of the canal itself.

The subject having been presented by the canal commissioners to the canal board in the year 1847, it was resolved that a remedy was required without delay, and that the exigency of the case would not allow the canal authorities to await the action of the government of the United States. A plan was accordingly adopted by the canal board, and carried into execution by the canal commissioners, under which a breakwater has been erected in the waters of the lake, and about one thousand feet from the shore, two thousand two hundred feet long, and twelve feet high, with forty-five feet base. The sand, which had accumulated between the breakwater and the shore, has also been excavated and removed, thereby forming a basin or port of shelter for shipping entering the harbor.

The cost of the breakwater and basin, designated in the canal accounts under the general head of "*The Erie Basin*," now amounts to \$179,473, and, including interest, to \$230,300. The particular details are accurately contained in the statement of the canal auditor, herewith furnished. A further expenditure of about \$30,000 will be needed fully to secure the breakwater from the storms of the lake

The governor of the State, in his annual message to the legislature in 1851, brought the subject to their attention in the following terms:

“The canal authorities are now engaged in the construction of an expensive pier, at the harbor of Buffalo, for the safety and accommodation of the lake shipping entering at that port. The expense of the work is estimated at \$200,000. An account of this expenditure will be kept under the direction of the canal board, and, at a proper juncture, the amount expended ought and doubtless will be refunded to the State by the general government.”

The amount expended by the United States in erecting their pier at Buffalo up to the present time, amounts to \$258,000, and in erecting the pier at Oswego, \$270,889. Both these works are now inadequate to their object, and need enlargement and repair; and the pier at Oswego has become so far dilapidated that it affords little if any shelter from the violence of the lake.

It is on this state of facts that the canal authorities of New York deem it proper respectfully to petition, that the moneys which have been advanced from the canal revenues of the State in maintaining and improving the harbor of Buffalo, and which ought properly to have been expended by the United States for the protection of the national commerce, may be refunded, and that Congress will appropriate a sum sufficient for the purpose.

They also petition that the harbors of Buffalo and Oswego, the terminating points of the Erie and Oswego canals, may be adequately enlarged, improved, and protected by the United States.

H. R. SELDEN,
Lieutenant Governor.
S. E. CHURCH,
Comptroller.
GIDEON J. TUCKER,
Secretary of State
I. V. VANDERPOEL,
Treasurer.
LYMAN TREMAIN,
Attorney General.
VAN R. RICHMOND,
State Engineer and Surveyor.
SAMUEL B. RUGGLES,
CHARLES H. SHERRILL,
Canal Commissioners.

ALBANY, December 31, 1858.

The undersigned, canal commissioners, deem it their official duty, in addition to the preceding memorial, in which they have united as members of the canal board, respectfully to petition, that all the harbors on the chain of lakes within the jurisdiction of the American Union, and serving as ports of shipment for property destined for the canals of the State of New York, may be fully improved and protected by the general government.

In presenting this petition, your memorialists wholly disclaim any wish or intention to ask for the exercise by Congress of any power of

doubtful constitutionality, or to reopen the discussion of any controverted question of national policy or duty. They ask only that the general government of the Union (which, for the sake of brevity, they will call the "*national government*") will exercise the national authority which it clearly possesses over the national navigable waters, and that it shall discharge only the public duty, which it is plainly bound to discharge, upon those principles of justice and equity which should ever subsist between the government of the Union and the governments of the separate States.

It will be perceived by Congress that your memorialists do not seek or invoke the aid of the national government in constructing or aiding in the construction of a canal, or railway, or turnpike road, or any other work of improvement, exclusively upon the soil or territory of a State. They are well aware that the extent of the national authority over works of this description has been the subject of grave controversy in our public councils; and that after it had been liberally exercised, during several successive administrations, in constructing the Cumberland road through six of the States of the Union, and other similar improvements of minor extent, it has been virtually abandoned.

Nor will it escape the attention of Congress that while New York has never opposed, to any noticeable extent, the liberal exercise of this power within her sister States, her own public works have received literally nothing, either from the liberality or the justice of the general government.

In the year 1811, the legislature of the State, impressed not only with the magnitude, but the national importance of the work then in contemplation for connecting the ocean with the lakes by a navigable canal, specially delegated two of her first canal commissioners, De Witt Clinton and Gouverneur Morris, to apply to the administration of President Madison for aid, either in money or land. How coldly and distrustfully that application was received, their official report on their return sufficiently shows.

It is true that a committee of Congress, after much reluctance, reported a bill appropriating four millions of acres of land in the then far distant and almost unpeopled Territory of Indiana, but coupled with the condition that the proposed canal should be five feet deep and sixty-three feet wide, and (if practicable) along an inclined plane of six inches to the mile, from Lake Erie to the Hudson river, which would have rendered it necessary to construct several embankments of immense size, including one across the Cayuga marshes one hundred and thirty feet high.

But even this scanty measure of assistance, burdened with a condition thus severe, was finally withheld by Congress, and the bill was left to perish in the House of Representatives. Abandoned by the general government, New York was left alone to rely on her own unaided and limited resources. The magnitude of the effort required several years of delay, and she was compelled at last to build the work on a scale so small, and with dimensions so inadequate, that before the lapse of a single generation it has been thrown away to give place to the present enlarged and more efficient structure.

Its total cost, including the line to Oswego, and the old abandoned canal, will exceed forty millions of dollars, exclusive of interest. Coupled with the Hudson, of which it is virtually a prolongation, and the series of lakes forming the other and largest link of the chain, it opens an unbroken navigation from the ocean into the continent, at least sixteen hundred miles long.

Of this vast work New York has thus accomplished her full portion, and she now feels entitled to ask, whether the government of the Union will not also do its part by improving and protecting the harbors on the long line of natural waters forming part of this great chain of national navigation?

The right and the duty of the Union thus to improve its navigable waters, your memorialists would respectfully place on the following grounds:

I. The waters of these inland seas are in no respect local waters, or subject to the sole authority of any or either of the States adjacent, but are emphatically national waters, not only in extent and importance, but in legal and political character.

They are no more local than the Atlantic or the Pacific is local, but constitute a broad, national, continental highway for the common use, not only of the whole American Union, but of the broad expanse of British America. It surely cannot be necessary, before a body so intelligent as the American Congress, to dilate on the geographical extent or topographical character of this great series of mediterranean waters. Can it be necessary to urge that the navigable passage which they open from the Gulf of St. Lawrence to the westernmost extremity of Lake Superior, bisects the eastern half of the North American continent, and that, too, through the broadest belt of its temperate zone? that it extends through more than thirty of the sixty-two degrees of longitude between the Atlantic and Pacific? that it overspreads the whole northern boundary of the American Union, at the adoption of the Constitution? that its shore line, six thousand two hundred and fifty miles in extent, is equal to our whole Atlantic water front, with all its indentations? that this vast chain of internal navigation if spread out on the map of Europe, would stretch from the Atlantic to the Volga, and virtually concentrate in a single channel the commerce of the largest part of Christendom? that while it now politically divides, it yet commercially unites in one homogeneous people, the two great offshoots of that vigorous race now rapidly and resistlessly peopling this new world? that its waters, now slumbering in peace and discharging only the grateful office of bearing the commingled commerce of Anglo-Saxon America to the ocean, have also borne in war the naval forces of the republic, and enabled it to win its proudest naval triumphs? that the dock-yards of the smallest of this unrivalled series of inland waters have given birth to line-of-battle ships not inferior, in size or strength, to the victors of Trafalgar and the Nile? Or, if we descend to a technical analysis of the legal character of this chain of seas, do we not find the admiralty jurisdiction of the Union penetrating every inlet and bay, from the outlet of Lake Ontario at the Thousand Islands to the furthestmost and innermost harbors of Fond du Lac and Chicago? Nay more, do we not

find the government of the Union visibly and daily lining these very coasts with national officials, granting navigating licenses, and collecting imposts in the name and for the benefit of the Union?

II. These waters have been placed by fundamental compact beyond the separate authority of the States.

At the time of forming the present national government, its founders had in view three great systems of navigable waters—the Atlantic, the lakes, and the Mississippi, forming the sides of the great triangular area constituting the nucleus of our present Continental Union.

The subsequent acquisitions and annexations of the vast domain between the Mississippi and the Pacific, enlarging our limits from ocean to ocean and elevating the nation to the highest rank among the continental powers of the globe, so far from diminishing, immeasurably increased its pre-existing obligations in regard to our interior waters. The gigantic works now projected for reaching the Pacific, will owe their chief value and power to the continental, interoceanic connexion which they will effect with the chain of inland seas.

The transcendent importance of uniting the great basins of the Mississippi and the lakes in one broad and uniform system, free from local impost or interference, and open alike forever to the citizens of all our States, present and future, occupied the anxious attention of our early statesmen.

Experience on the older continent had plainly shown the fatal effects of subjecting its channels of navigation to local authority. The numerous seas and rivers which, under the Roman empire, had been united under a common rule, and under its truly imperial policy had been kept sacredly free from tax or impost, had fallen a prey, on its dismemberment, to innumerable petty States and local rulers, lay and ecclesiastic, each seizing his portion and clogging the movement of the whole European world. The barbarism which ensued from this disintegration of the empire, was mitigated only by raising the robbery of the passing traveller or vessel to the dignity of a legalized toll or tribute.

The harbors on their seas experienced a fate but little better. Each was burdened and fettered by local imposts, many of which yet remain thickly sprinkled over the map of Europe, subjecting commerce to innumerable delays, impositions, and exactions. Some of their rivers even became the subject of political intrigue and diplomatic craft, far more insidious and destructive than open, military warfare. The important river Scheldt, particularly valuable as a safe commercial outlet to the ocean, flowing through the most populous portion of the continent, with the port of Antwerp at its mouth, was deliberately "occluded" or closed up, under a barbarous provision in the treaty of Westphalia, and in the face of civilized Europe was kept "occluded" for a century and a half.

It was under the admonition conveyed by such an example, and while the liberal statesmen of Europe were beginning to arouse public attention to the enormity of locking up a navigable river, that the old confederation of our now United States of America was formed. The fact is equally interesting and instructive that the closing of the

Scheldt and the vexatious impositions on other streams of the old world were particularly prominent among the considerations which led the Congress of the confederation to establish that memorable compact which has forever secured the lakes and the Mississippi from abuses like those which had afflicted and disgraced the waters of Europe. The ordinance bears date July 13, 1787, and in its own condensed, solemn, and prophetic words, proclaims to the whole American world, present and future, born and unborn, that "the navigable waters of the Mississippi and the St. Lawrence, and the carrying places between the same, shall be COMMON PROPERTY and FOREVER FREE, as well to the inhabitants of the said country as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, WITHOUT ANY TAX, DUTY, OR IMPOST therefor."

In these few words we find the magna charta of our internal navigation. The precursor of the Constitution, its basis was too broad to be displaced, even by that massive structure. A binding engagement of the confederation, it was never suspended, modified or surrendered, but was taken bodily into the very framework of the Union, which came into being subject to its immutable obligation.

III. New York, like her sister States, retains all the sovereignty she possessed at the formation of the Constitution, except that which she then surrendered to the Union, but in respect to the portion thus surrendered the sovereignty of the Union is paramount and supreme.

Before the adoption of the Constitution she possessed and exercised the sovereign power of regulating commerce on her waters, foreign and domestic, with the consequent right of levying imposts.

Her peculiar geographical position imparted to this right an almost inestimable value. She commanded not only a safe, capacious and ever accessible port on the ocean, but the navigable channel cut by the Hudson through that broad chain of mountains, which in the other more southern States is inexorably interposed between the Atlantic and the lakes. In addition to this transcendent advantage, the peculiar topography of the lakes had placed their waters on a level so high above the tide that the depressed surface of New York north of the Alleghany ridge would permit them to flow into her territory and descend by gravitation to the ocean. Two of the lakes, the most southern of the group, were on her immediate border and subject to her sovereign authority. It was evident to all that, by the fortunate configuration of these lands and waters, New York alone held the key to the commerce and navigation to the interior; and never, in human history, was a case presented appealing more powerfully to State cupidity or State ambition. But the patriots of that early day had higher and nobler aims. Holding in their grasp the ocean and the lakes, and well aware that a navigable canal of adequate capacity would unite them forever in a channel which must command for centuries to come the trade of the largest portion of the continent, requiring only an impost of the most moderate amount to enrich the State beyond all human example, her statesmen deliberately and cheerfully yielded up the whole to the good of the Union,

and transferred to its treasury the rich and ever increasing stream of tribute which she might have herself enjoyed.

The duties already levied at the port of New York since the adoption of the Constitution, and poured by her into the national coffers, amount to *eight hundred and forty-eight millions of dollars*, having attained the large sum of forty-two millions in a single year.

When it is considered what ceaseless and ever-swelling streams she is destined to add during future generations to this enormous tribute, while she herself remains stripped of every means of revenue except direct taxation and the fiscal receipts, if any, from her public works—fruits of her own unaided enterprise—who will say, that she is not entitled to the justice if not the liberality of the government of the Union?

IV. Nor was the surrender of the right to levy imposts the only concession made by New York, in coming into the Union.

In addition to the pecuniary sacrifice, counted as we see by hundreds of millions, she parted with a far more precious possession—the sovereign right to regulate the commerce of the wide-spread navigable waters then within her grasp, and subject to her political power.

Already she has been taught in two signal instances by the supreme authority of the Union, how little if any of her pre-existing sovereignty over these waters, now remains.

The patriotic and well intended attempts of her legislature to reward the genius and perseverance of Robert Fulton, in introducing steam on her noble river, by granting him the exclusive right for a short term of years to use his invention on the very theatre of his success, were rebuked and restrained by the Supreme Court of the United States, as repugnant to the Constitution and inconsistent with the national supremacy over the national navigable waters.

Nor has she been permitted even to regulate, without interruption, the transit by land over her territory where it threatened to entrench to any material extent on the national authority over the Hudson. Do we not all know that the erection of a bridge at Albany, one hundred and sixty miles above the ocean, although expressly authorized by her legislature as necessary to the commerce and convenience of her citizens, and the due expedition of travel over her railways, has been summarily restrained by the judicial power of the United States? Need anything more be stated, to show how scanty must be the remnant of sovereignty yet retained by the State over the navigable waters within her limits, and how inevitable is the conclusion, that the government of the United States has succeeded to the sovereign right which she has thus surrendered?

V. The exercise of this right in a just and liberal spirit by the government of the Union, by adequately improving all its navigable waters, and especially by constructing and maintaining the works necessary to protect the commerce of the lakes, is the only adequate equivalent which can be rendered to New York for her sacrifices and concessions, but, if fairly exercised, will repay them fully and amply.

Placed as she is, at the outlet of the lakes, now rendered cheaply and speedily accessible from every part of the vast interior by the immense net-work of railways spread over its surface, and probably

destined to a yet more magnificent development by the projected lines to the Pacific, New York is directly benefited by every improvement which can be made in any portion of the Union to expedite or cheapen the transit of persons or property. She will rejoice in any successful effort which may be made by the national government to improve the condition even of the remotest portion of the republic, however distant, desolate, or forbidding; but she must, nevertheless, be allowed to claim that something is also due to its more central portion, that the populous region around the chain of lakes, as the abode of many millions of inhabitants, is at least equally entitled to the paternal care of the Union, and that the shipwrecks, and burnings, and losses of property and life on those widespread waters, are calamities not less afflicting than the inroads of savage tribes on our distant frontiers. She cannot believe, that after the arduous efforts she has made by her costly and capacious canals to improve the value of the western lakes and the vast circumjacent national domain, she will be expected, at her own expense, to construct the works needed for the safety of their commerce, especially when it is shown that under existing compacts she can never levy duties to reimburse the cost. Still less will she believe that the government of the Union would, in any event, permit her or any other separate State to fetter, by tax or impost, that magnificent series of waters which now stands before the civilized world altogether unparalleled in geographical extent, political unity, and commercial freedom.

VI. The canals of New York, though constructed and owned by a separate State, are national in capacity, and fully adequate to any necessity of the national commerce.

Constructed for the convenience not only of the State, but of the rapidly increasing communities around the lakes, they will be able to carry to the ocean all that the interior can produce for at least a generation yet to come, if not a much longer period.

The natural and necessary distribution of the national industry, with agriculture in the interior, and commerce and manufactures on the seaboard, will always cause the descending cargoes largely to exceed in weight the ascending, so that the capacity of the canal from the lakes to the ocean needs only to be ascertained in respect to the descending cargoes.

The locks, seventy-four in all, with six hundred and fifty-one feet lift, are eighteen feet by one hundred and ten, and might have been larger with the present channel. They will admit the passage of vessels carrying from two hundred and twenty to two hundred and forty tons, exclusive of their own weight.

Three hundred vessels daily (or one hundred and fifty each way) may easily pass the locks during the season of navigation, which affords at least two hundred days in the year free from obstruction.

At this rate, which is rather below than above the truth, six millions of tons of descending cargoes can pass in the year.

The time will doubtless come when even this large amount will be reached, but in that event, the locks may readily be enlarged at a moderate cost, and without increasing the channel, and thereby swell the capacity of the work to at least ten millions of descending tons for the year.

The average value of the descending cargoes now carried is thirty-five dollars to the ton, which would show a value for the ten millions of tons, of three hundred and fifty millions of dollars. Considering our past progress, it is therefore evidently possible, that in the efflux of time and the ever increasing development of our interior agriculture, even this enormous weight may present itself to our successors for transportation on the canal. In that event they can but turn, with pious gratitude, to the immense, God-given reservoir of Lake Erie, close at hand and ever ready to render up its waters in any volume which human necessity may require. The silver thread, now diverted by the canal, takes but one three-hundredth part of the great mediterranean stream, so abruptly changing its level at Niagara, rendering it quite improbable that any future diversion of its waters for the use of man, will very seriously or perceptibly impair the effect of its natural performances.

The total value of the cargoes on the Erie and Oswego canals during the year 1856 was \$196,897,945, of which \$104,108,493 consisted of property coming from or carried to the States west of New York.

The yearly amount contributed to the canals by these States has been rapidly increasing, though with some fluctuations, during the last twenty years, having been but \$15,026,895 in 1838, and attaining \$136,598,384 in 1853. The total amount they thus furnished in the twenty years, commencing with 1838, has been \$1,212,986,370, a sum exceeding, by nearly five hundred millions of dollars, the whole assessed value in 1850 of all the property, real and personal, of the six States north of the Ohio. We hardly need to speculate very deeply on the possible progress of this commerce in the future; but, taking into view its past growth, the rapid influx of immigrants into our spacious and fertile territory, and the irrepressible energies of our own vigorous population, we may reasonably predict that the amount for the next twenty years will surpass that of the twenty years just expired, in a steadily increasing ratio, so that it will rather exceed than fall short of *two thousand five hundred millions of dollars*, if, indeed, it do not transcend even that immense amount.

Much will doubtless depend on the vigilance and energy of the officers charged with the care of the Erie canal, in keeping its navigation in perfect order; but with the increased expedition, power, and efficiency, which steam must soon impart to the vessels on its ample volume, we may venture to predict, that it will permanently maintain its position and ascendancy as the vital, commercial artery of the continent. Its present performances as a food-bearing channel to the sea board far outstrip those of the largest fleets which carried the corn of Sicily, and Egypt, and Asia to Imperial Rome in the zenith of its power. The weight of the commodities yearly floated on its surface surpasses that which is borne by the Baltic, and is steadily approaching that of the Mediterranean.

Nor are its labors employed alone in the carrying of food. Immense masses of the products of the forests of Michigan and Canada are also borne on its waters; and what is well worthy the attention of the American Congress, cargoes of cotton are now making their appear-

ance on the canal, coming from the lower Mississippi and passing downward through the lakes.

We lay these facts, truly national in their character and significance, before the legislature of the Union, and ask whether such a channel is not justly and fairly entitled, without further delay, to safe, capacious, and accessible harbors at the points where the duty of New York ceases, and that of the Union begins? If the time has not yet come, when will it arrive? When will the Union be more able to do the duty? When will it be more willing?

VII. In the same spirit of fidelity to the Union which New York has ever manifested, she has wholly abstained from taking or seeking any unfair advantage of her sister States, either by discriminating tolls or otherwise, on the vast masses of property belonging to them and carried on her canals.

Nay more; she has reduced her tolls to a point so low that they do not pay the interest on the cost of her canals, and hardly the interest on the debt incurred in their construction. Nor is this all. She has not only incorporated and consolidated large and powerful railway companies, extending from the ocean to the lakes, and lying immediately adjacent to her canals, but she has gratuitously and freely permitted them to compete for the transportation of products and commodities of every description, whether belonging to herself or her sister States. In a word, New York, throughout all her history, and amid all her efforts, which at times have been not a little arduous, has felt that the providential and predestined arrangement of the lands and waters of the continent had pointed, as with the finger of Heaven, to her territory as the chosen seat and centre of American commerce, imposing upon her public men the corresponding duty of recognizing her high destiny, and guiding their official action by no petty, mean, or narrow motive.

VIII. In conclusion, your memorialists earnestly contend, that if New York, either by the steady perseverance with which she has prosecuted her public works, or the eminent success which has finally crowned her efforts, has in any degree attracted the attention or won the respect of the nations of the earth, she has but increased the moral strength and elevated the public character of the Union, of which she is an ever loyal member.

It would be but a low view of her canals to measure them only by their pecuniary results. Doubtless it was well to construct a work multiplying tenfold, by its magic touch, the pre-existing money value of the Hudson and the lakes—and it was also well to conquer space and place an otherwise inaccessible interior-empire by the side of the ocean, thereby adding countless millions to its commercial power and consequent pecuniary wealth—but it was better far to rear a structure to stand for all coming time a mark, a type, an ever-enduring record of the forecast and fortitude, power and wisdom of the generation which called it into being.

The Erie canal forms part of the history, not only of the State but of the American Union and American civilization. Whether considered merely as a mechanical structure and labor-saving engine of commerce, or in its higher and nobler functions as a political organ,

binding together the mighty members of our Continental Union, it may safely challenge comparison with any artificial channel of navigation on the face of the globe, certainly with any within the Christian world. It contains more water and floats more vessels than any canal in Europe. Of the 5,568 vessels entered on its register, 1,146 are larger than the ship in which Columbus discovered America. Europe may possess two or three, possibly four, short canals of greater depth, but they have little length and no continental relations or importance.

The Caledonian canal, uniting a few small lakes and cutting off a ragged, little promontory, forming the northern end of Scotland, has hardly sufficient commerce or revenue to pay its yearly repairs.

The Ship canal of Holland, at the Helder, is less than fifty miles long, and is only a local appendage to the port of Amsterdam.

We must seek for the compeers of the Erie canal where only they can exist, among the great continental canals of the world, connecting sea with sea, ocean with ocean, or great river systems with each other.

The canal of Languedoc, (now the *canal du Midi*,) offspring of Colbert's wise and vigorous statesmanship and crowning glory of the reign of Louis the Fourteenth, unites the tributaries of the Atlantic and the Mediterranean, but is only one hundred and thirty miles long, and has but half the commerce or revenue of the Erie canal.

The canal of Ladoga, main trunk of the magnificent system of interior navigation provided for the Russian Empire by the genius of Peter the Great, connecting the Baltic with the immense and fertile valley of the Volga—the Mississippi of eastern Europe—and bearing to his splendid capital the products of his vast continental possessions, although it approaches does not surpass the Erie canal, either in volume, commerce, or revenue.

The noble river Rhine, the pride of the German world, flowing for more than five hundred miles through the dominions of seven sovereign powers zealously and sedulously maintaining and improving its navigation, affords a safe, navigable channel for the products of nearly twenty millions of people, but the weight and value of their cargoes fall short of those carried by the Erie canal nearly two-thirds. In truth, to find a fitting parallel we are driven to the farthest extremity of the eastern continent, even into China, just opening to American inspection. Six centuries ago the grandson of the so-called barbarian Genghis Khan constructed or enlarged the Grand Imperial canal, sixteen hundred miles long, uniting the basins of two vast streams (the Blue and Yellow rivers) coming down to the ocean, like our own St. Lawrence and Missouri, from the inmost recesses of a continent. Who will venture to ascertain or describe the enormous effects of that majestic work, truly imperial, as well in fact as in name, in developing and advancing the marvellous civilization of that thickly teeming world? The portion of the empire denominated by geographers the "*Plain of China*," which most signally felt its influence, contains but 210,000 square miles, little more than the area between the Ohio and the lakes, but, nevertheless, supports a population stated to be one hundred and seventy-seven millions.

It might not become the public officers of a single State rashly to

deal with figures and amounts like these, but they will venture to hope that statesmen are to be found in our national councils able and willing to look with careful vision over the past, and clearly scan the future—to survey the comparative anatomy of nations—to predict the changes in the political equilibrium of continents—who will surely feel the importance of a fact like this, and extract in full measure its largest instruction. In truth, the Congress of the United States has already commenced the process. The abstract of the American census, prepared by their authority, boldly lifts the veil and discloses the stupendous fact, standing out sharp and unmistakable, that the American Union at the close of only thirty-one years will number seventy-nine millions, and at the end of only sixty-one years, one hundred and sixty-one millions. Where then shall we find our own great continental chain and channel of commerce? The earlier civilization of the Chinese Empire has given the Grand Imperial canal six hundred years the start, but is not the American now born who will live to see our great interior navigable waters crowded by an immense population of unequalled activity and vigor, pressing hard if not victorious in the race?

The authors of "The Federalist," in summing up the national possessions which the Union, as such, would distinctively enjoy, enumerate the ocean fisheries, the Mississippi, and the lakes.

These, say they, are "RIGHTS OF THE UNION" as contradistinguished from the rights of any or either of the States.

Can the spirit of that Union be so abject as to grasp the RIGHT and shrink from the appropriate and corresponding DUTY? Will not every member of the American Congress claim, on the contrary, the RIGHT to perform the DUTY as his highest privilege, his most enduring glory? The field of action now lies broad before him. He holds in his hands the Constitution of the United States, and the vast navigable waters of the United States, felicitously and harmoniously united, and standing before the world in splendid and beneficent conjunction. By a blessed Providence, man has been permitted to join these immense instrumentalities together. Whether any human power shall be allowed to put them asunder must now depend on the patriotism, the wisdom, and the firmness of the Senate and House of Representatives of the United States.

SAMUEL B. RUGGLES,
CHARLES H. SHERRILL,

Canal Commissioners of the State of New York.

ALBANY, December 31, 1858.

At a meeting of the canal board of the State of New York, at the State Hall, in Albany, December 31, 1858—Present: Hon. Henry R. Selden, lieutenant governor and president of the board; Messrs. Samuel B. Ruggles and Charles H. Sherrill, canal commissioners; Mr. Sanford E. Church, comptroller; Mr. Lyman Tremain, attorney general; Mr. Gideon J. Tucker, secretary of State; Mr. Isaac V. Vanderpoel,

treasurer, and Mr. Van R. Richmond, State engineer and surveyor, the following resolution was unanimously adopted:

Resolved, That the memorial to the Congress of the United States asking an appropriation to pay the expenses incurred by the State in erecting breakwaters and piers at the harbors of Buffalo and Oswego, signed by the members of the canal board, be transmitted by the canal commissioners to the Hon. John Cochrane, chairman of the Committee of Commerce of the House of Representatives, and to the senators representing this State in the Senate of the United States, with the request that they will present the same to those houses, respectively, and that they will advocate the passage of a law in accordance with the prayer of said memorial.

A true copy from the minutes of the canal board.

N. S. BENTON, *Auditor*.

APPENDIX A.

Statement of the Auditor referred to in the memorial.

STATE OF NEW YORK, AUDITOR'S OFFICE,
Canal Department, Albany, January 1, 1859.

Principal account, with interest at six per cent. per annum, on the several amounts expended during the following years, out of the canal revenues of the State of New York, in constructing the breakwater and basin in the harbor of Buffalo, and properly chargeable to the government of the United States.

1850 expended-----	\$30,000 00	8 years' interest, at 6 per cent -----	\$14,400 00
1851----do-----	30,000 00	7-----do-----	12,600 00
1852----do-----	30,000 00	6-----do-----	10,800 00
1853----do-----	15,000 00	5-----do-----	4,500 00
1854----do-----	15,000 00	4-----do-----	3,600 00
1855----do-----	15,000 00	3-----do-----	2,700 00
1856----do-----	15,000 00	2-----do-----	1,800 00
1857----do-----	15,000 00	1-----do-----	900 00
1858----do-----	14,000 00	-----do-----	-----
Principal-----	179,000 00		51,300 00
Interest-----	51,300 00		
	230,300 00		

E. and O. Ex.

EDWARD JAMES, *General Book-keeper*.

STATE OF NEW YORK, CANAL DEPARTMENT,
Albany, December 31, 1858.

To the honorable the Senators representing the State of New York in the Congress of the United States:

Pursuant to the order of the canal board of this State and the direction of the canal commissioners, I have the honor to transmit to you the memorial of the canal board, asking an appropriation from Congress to pay the expenses incurred by this State in erecting breakwaters and piers at the harbors of Buffalo and Oswego; and also the memorial of the canal commissioners, subjoined to that of the canal board, praying that all the harbors on the chain of lakes within the jurisdiction of the American Union, and serving as ports of shipment for property destined for the canals of this State, may be adequately improved and protected by the general government.

In behalf of the memorialists I beg leave to bespeak for these documents your favorable consideration, and to ask that you will present them to the Senate of the United States, and, if consistent with your views of public duty, that you will advocate the passage of the necessary laws in accordance with the prayer of the memorialists.

With much respect, your obedient servant,

SAMUEL B. RUGGLES,

President Board of Canal Comm'rs of the State of New York.